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Report of the United Nations Commission on International Trade Law on the work of its forty-third session

Draft resolution

UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property

The General Assembly,

Recognizing the importance to all States of efficient secured transactions regimes in promoting access to secured credit,

Recognizing also the need to make secured credit more available and at lower cost to intellectual property owners and other intellectual property right holders, and thus the need to enhance the value of intellectual property rights as security for credit,

Noting that the *UNCITRAL Legislative Guide on Secured Transactions*¹ generally applies to security rights in intellectual property, without inadvertently interfering with the basic rules and objectives of law relating to intellectual property,

Taking into account the need to address the interaction between secured transactions law and law relating to intellectual property at both national and international levels,

Recognizing that States would need guidance as to how the recommendations of the *UNCITRAL Legislative Guide on Secured Transactions* would apply in an intellectual property context and as to the adjustments that need to be made in their laws to avoid inconsistencies between secured transactions law and law relating to intellectual property,

¹ United Nations publication, Sales No. E.09.V.12, available from www.uncitral.org/pdf/english/texts/security-lg/e/09-82670_Ebook-Guide_09-04-10English.pdf.



Noting the importance of balancing the interests of all stakeholders, including grantors, whether they are owners, licensors or licensees of intellectual property, and secured creditors,

Expressing its appreciation to intergovernmental and international non-governmental organizations active in the fields of secured financing and intellectual property, in particular, the World Intellectual Property Organization and the Hague Conference on Private International Law, for their participation in and support for the development of the UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for the completion and adoption of the UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property;²

2. *Requests* the Secretary-General to disseminate broadly, including electronically, the text of the Supplement and to transmit it to Governments and other interested bodies;

3. *Recommends* that all States utilize the Supplement to assess the economic efficiency of their intellectual property financing and give favourable consideration to the Supplement when revising or adopting their relevant legislation, and invites States that have done so to advise the Commission accordingly;

4. *Also recommends* that all States continue to consider becoming party to the United Nations Convention on the Assignment of Receivables in International Trade³ and implementing the recommendations of the *UNCITRAL Legislative Guide on Secured Transactions*.¹

² See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17 (A/65/17)*, chap. IV.

³ Resolution 56/81, annex.